

CITY OF ANGELS
CITY COUNCIL
MINUTES

Tuesday, November 17, 2009

Council Members Present: Jack Lynch (Mayor), Jack Boeding, (Vice Mayor), Elaine Morris, Craig Turco and Rick Downey

Staff Present: Richard Matranga, Gary Ghio, Dale Mendenhall, Melisa Ralston, David Hanham and Mary Kelly

4:45 P.M. CALL TO ORDER

ADJOURN TO CLOSED SESSIONS

CLOSED SESSION: CONFERENCE WITH LABOR NEGOTIATORS -

Pursuant to California Government Code Section 54957.6: POA – Agency Designated Representatives Scott Kenley and Richard Matranga

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL

Existing litigation – Jones vs. City of Angels Camp, Case #CV35497

ADJOURN FROM CLOSED SESSION

5:30 RECONVENE TO ABATEMENT ITEM

COMPLIANCE ISSUES WITH ORDER OF ABATEMENT – LODE HOTEL – Richard Matranga, City Attorney

Building Inspector Steve Flaigg reported that nothing has been done to resolve the safety issues at the Lode Hotel since his October 20th update. Tim Ashlock, owner of the hotel stated that he has encountered variables in his estimated construction timeline that have slowed progress on any work being done. Flaigg said that in his opinion, the building is not safe as it currently stands. He estimated it would take around 2 weeks to shore the building for safety.

After discussion by the Council, it was agreed to provide Mr. Ashlock additional time to comply with the safety requirements requested previously. An update will be provided by Mr. Ashlock at the December 1st Council meeting with all safety issues completed by December 15th. Meanwhile, staff will begin an RFP process to hire a contractor if work is not completed by December 15th.

MOTION by Council Member Boeding, seconded by Council Member Morris and carried 4-0 TO AGENDIZE LODE HOTEL ABATEMENT ISSUE FOR DECEMBER 1, 2009 TO UPDATE WORK PROGRESS . ITEM TO BE AGENDIZED AGAIN ON DECEMBER 15, 2009 TO ASCERTAIN IF SHORING HAS BEEN COMPLETED AND OTHER SAFETY ISSUES HAVE BEEN RESOLVED.

Direction: Staff to prepare RFP and receive quotes on scope of work to be used if safety issues are not completed by December 15th.

RECESS

6:10p.m. RECONVENE TO REGULAR MEETING

APPROVAL OF AGENDA

Council Member Turco requested Item #6 be moved for discussion after item #2. This was agreed to by all Council Members.

ACTION TAKEN IN CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to California Government Code Section 54957.6: POA – Agency Designated Representatives Scott Kenley and Richard Matranga

Council Action: Direction given to labor negotiator

CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9

Council Action: Direction given to legal Council

CONFERENCE WITH LEGAL COUNSEL

Existing litigation – Jones vs. City of Angels Camp, Case #CV35497

Council Action: No legislative action taken

STAFF UPDATES

Dave Hanham – Planning Director

- Reviewed staff report provided in packet.

Dale Mendenhall – Police Chief

- Reviewed staff report provided in packet.

Melisa Ralston – Finance Officer

- Reported that SEI was not able to pick up all areas in the City who had yard waste and would be picking up any that was missed on Wednesday.

Gary Ghio – City Engineer

- Work has been completed at the wastewater treatment plant.
- Sidewalk preliminary design to be done in the next few weeks.
- There will be some traffic disruption while the repairs are done on Murphys Grade Road.

COUNCIL UPDATES

Councilmember Morris

- Attended CCOG: adopted San Andreas Mobility Plan; negotiations are ongoing on the Bear Valley extension.
- Attended the Central Sierra Planning Council; executive Director's contract was renewed for 1 year.

Councilmember Boeding

- Attended LAFCO with the Mayor; MSR was tentatively approved.
- Attended CAL-LAFCO conference where discussion centered on regionalization.

Mayor Lynch

- Attended CCOG, LAFCO.
- Asked for input from other Council Members on the Traffic Mitigation Fee Program.
- Updated Council on Bret Harte High School tobacco program

PUBLIC COMMENT

George Fry – 1304 Oak Place

Reported that he had attended the Alternative Conference, where he made a presentation to the committee asking for the next conference to be held in Angels Camp. Stated that the Board of Supervisors provided a letter of support, but the Mayor did not and no members of the City were in the video shown at the conference. He stated that because of this, the conference committee were not comfortable in bringing the conference to Angels Camp. He thanked Council Members Morris and Boeding for their fairness.

CONSENT AGENDA

MOTION by Council Member Turco, seconded by Council Member Boeding and carried 4-0 to adopt the consent agenda:

- a. Minutes of Regular meeting – November 3, 2009
- b. Resolution No. 09-49 in support of the local taxpayer, public safety and Transportation Act of 2010
- c. **MOTION** to pay bills

REGULAR AGENDA

1. **CERTIFICATION OF 2009 ELECTION** – Mary Kelly, City Clerk
MOTION by Council Member Morris, seconded by Council Member Turco and carried 4-0 ADOPTING RESOLUTION NO. 09-45. A RESOLUTION ACCEPTING THE CANVASS OF THE SPECIAL CONSOLIDATED DISTRICT ELECTION HELD ON NOVEMBER 3, 2009 PURSUANT TO DIVISION 15, CHAPTER 4 OF THE ELECTION CODE

2. **OATH OF OFFICE** – Mary Kelly, City Clerk
RICK DOWNEY, Council Member

NEW COUNCIL MEMBER SEATED

AGENDA ITEM #6 WAS DISCUSSED AT THIS TIME

6. **PUBLIC HEARING: TECHNICAL ASSISTANCE APPLICATION FOR WASTEWATER MASTER PLAN** – Terry Cox, Cox Consulting

Ms. Cox explained that this was a public hearing for persons to respond to the wastewater master plan application. She provided a sign in sheet for persons wishing to respond at the public hearing and asked that any written comments be addressed to City Hall. The Housing Element needs to be adopted by the City before the grant can be awarded. Planning Director Hanham reported that he will be bringing the plan to the Council for approval in December.

6:50 p.m. **PUBLIC HEARING OPENED**

Mayor Lynch asked if there were any public comments regarding this item. There being none, the Public Hearing was closed.

6:50 p.m. **PUBLIC HEARING CLOSED**

MOTION by Council Member Turco, seconded by Council Member Morris and carried 5-0 APPROVING RESOLUTION NO. 09-47. A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE PLANNING/TECHNICAL ASSISTANCE ALLOCATION OF THE STATE CDBG PROGRAM

3. **CITY CLERK'S CERTIFICATION OF SERVICE OF NOTICE REGARDING PROTEST PROCESS IN ACCORDANCE WITH RESOLUTION NO. 09-35** – City Attorney/City Clerk
City Clerk, Mary Kelly, read the certification of the Notice of Protest process into the record.
No Council action was required.
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4. **CONDUCT PUBLIC HEARING PURSUANT TO THE MAJORITY PROTEST PROCEDURES SET FORTH IN RESOLUTION #09-35, TO CONSIDER RATIFICATION AND CONFIRMATION OF WASTEWATER FEES PREVIOUSLY ADOPTED BY RESOLUTION #06-23 ON JUNE 20, 2006**– City Attorney/City Clerk
The City Attorney explained the protest process. The City Engineer and Wastewater Plant Operator provided a brief presentation of the improvement project and the finance options available. Questions from the public were answered by the Council, Engineer, Attorney and Plant Operator. The City Clerk received written protests from the public.
5. **ADOPTION OF RESOLUTION NO. 09-50. A RESOLUTION CONFIRMING WASTEWATER FEES (PREVIOUSLY ADOPTED BY THE CITY ON JUNE 20, 2006) UPON RATIFICATION BY PROPERTY OWNERS THROUGH THE MAJORITY PROTEST PROCEDURES PURSUANT TO ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION**– City Attorney/City Clerk
MOTION by Council Member Turco, seconded by Council Member Morris and carried 5-0 ADOPTING RESOLUTION NO. 09-50. A RESOLUTION CONFIRMING WASTEWATER FEES (PREVIOUSLY ADOPTED BY THE CITY ON JUNE 20, 2006) UPON RATIFICATION BY PROPERTY OWNERS THROUGH THE MAJORITY PROTEST PROCEDURES PURSUANT TO ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION
7. **MURPHYS GRADE ROAD WATERLINE REPLACEMENT PROJECT – NOTICE OF COMPLETION** – Gary Ghio, City Engineer
MOTION by Council Member Boeding, seconded by Council Member Downey and carried 5-0 ADOPTING RESOLUTION NO. 09-46. A RESOLUTION ACCEPTING WORK ON THE MURPHYS GRADE ROAD WATERLINE REPLACEMENT PROJECT
8. **UTICA PARK KITCHEN PROJECT CONSTRUCTION COSTS (from Personnel/Finance meeting)** – Melisa Ralston
MOTION by Council Member Turco, seconded by Council Member Downey and carried 5-0 THAT THE USE OF PUBLIC EMPLOYEES CEASE ON THE UTICA PARK KITCHEN PROJECT AND PROJECT WORK ED AS STIPULATED IN GRANT
Roll Call: Morris {Yes}, Boeding {Yes}, Turco {Yes}, Lynch {Yes} and Downey {Yes}
9. **AMENDMENT TO WATER DRILLING ORDINANCE (continued from 11/3 CC meeting)** – Dave Hanham, Planning Director
MOTION by Council member Boeding, seconded by Council Member Turco and carried 5-0 INTRODUCING ORDINANCE #441. AN ORDINANCE AMENDING CHAPTER 14.75, SECTION 14.75.010 OF THE MUNICIPAL CODE: WAIVE READING AND SET PUBLIC HEARING FOR DECEMBER 15, 2009
10. **FY 2010/2011 CCOG OVERALL WORK PROGRAM PROJECTS** – Dave Hanham, Planning Director
The Planning Director reviewed five projects to be presented to the CCOG for inclusion in their FY2010-11 Overall Work Program. The Council approved the following projects in order of priority.
 1. Vallecito Road/State Route 4 Traffic Study outlining alternatives for the new intersection in connection with the Relinquishment Agreement between Caltrans and COG. Approximate Cost 100,000
 2. State Highway 4 Traffic Study – To determine effects of Highway 49 and State Route Approximate Cost 30,000.
 3. Streetscape Plan for State Route 49. Approximate Cost 30,000
 4. Bike Trail (suggested)

11. **BANK SIGNATURE CARDS** – Mary Kelly, Director of Administrative Services
MOTION by Council Member Boeding, seconded by Council Member Morris and carried 5-0
ADOPTING RESOLUTION NO. 09-48. A RESOLUTION APPROVING SIGNATURE AUTHORITY
FOR ELECTED OFFICIALS
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MEETING ADJOURNED AT 8:35 P.M.

ATTEST:

Jack Lynch
Mayor

Mary Kelly
City Clerk